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ALEXANDER L. STEVAS,
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Nos. 82-354, 82-355, 82-398

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE UNITED STATES, INC., *et al.*, *Petitioners*,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, *et al.*, *Respondents*.

CONSUMER ALERT AND PACIFIC LEGAL FOUNDATION, *Petitioners*,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, *et al.*, *Respondents*.

UNITED STATES DEPARTMENT OF TRANSPORTATION, *et al.*, *Petitioners*,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, *et al.*, *Respondents*.

On Writs of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

JOINT APPENDIX

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December 23, 1982

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FILED AUGUST 30, 1982 AND SEPTEMBER 8, 1982
CERTIORARI GRANTED NOVEMBER 8, 1982

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Order of the United States Court of Appeals for the District of Columbia Circuit denying intervenor's motion for a stay of enforcement and dismissing intervenor's motion for expeditious consideration as moot, filed December 8, 1982	18

The parties respectfully call the Court's attention to the fact that they have lodged with the Clerk 15 copies of the Joint Appendix which was submitted to the court below as part of the record. Citations to that Appendix in the briefs will be preceded by the letter "R."

NOTICE

The following materials have been omitted in printing this Joint Appendix because they appear on the following pages of the Appendices to Petition for Writ of Certiorari in No. 82-354:

	Page
Notice of Proposed Rulemaking by National Highway Traffic Safety Administration (April 6, 1981)	147a
Final Rule of National Highway Traffic Safety Administration (October 23, 1981)	88a
Order of the Court of Appeals, denying motions for stay and ordering expedited briefing schedule (December 7, 1981)	86a
Opinion and Order of the Court of Appeals (June 1, 1982)	1a
Judgment of the Court of Appeals (June 1, 1982)	160a
Notice of Filing of National Highway Traffic Safety Administration, providing notice that NHTSA intends to publish the attached notice of proposed supplemental rulemaking in the Federal Register (July 1, 1982)	130a
Order and Memorandum of the Court of Appeals, denying motions for extension of time in which to file petitions for rehearing and/or rehearing en banc (August 4, 1982)	83a
Order and Memorandum of the Court of Appeals, staying effective dates of Federal Motor Vehicle Safety Standard 208 (August 14, 1982)	79a

[EXCERPTED DOCKET ENTRIES]

GENERAL DOCKET

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

[No.] 81-2220

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO., KENT MASON, PATRICIA WARREN and LEORLIN BOYD,
Petitioners,

v.

DEPARTMENT OF TRANSPORTATION, DREW LEWIS, as Secretary, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, and RAYMOND A. PECK., JR., as ADMINISTRATOR,
Respondents.

SUPERINTENDENT OF INSURANCE OF STATE OF N.Y., AUTOMOBILE IMPORTERS OF AMERICA, INC., MOTOR VEHICLE MANUFACTURERS ASSOC., *et al.*, CONSUMER ALERT AND PACIFIC LEGAL FOUNDATION,
Intervenors.

Date	FILINGS—PROCEEDINGS
11-23-81	Petitioners' petition for review of an order of the NHTSA
11-25-81	Petitioners' emergency motion for stay pending judicial review
11-25-81	Petitioners' motion for expedited hearing and shortened schedule for briefing and filing of record
12-01-81	Petitioners' motion to consolidate petitions for review Nos. 81-2220 & 81-2221 for purposes of hearing and decision

Date	FILINGS—PROCEEDINGS
12-03-81	Clerk's order consolidating Nos. 81-2220 & 81-2221 on the merits and the time for filing a response to motion for stay is extended to 12/3/81
12-07-81	Per Curiam order denying motions for stay. Virginia Petroleum Jobbers Assoc. v. FPC, 259 F.2d 921 (DC Cir. 1958) and briefing and hearing of these cases on the merits shall be expedited and these cases shall be scheduled for argument on the Feb-March calendar, Feb. 11 - March 3, 1982. * * * The parties are instructed to address in their briefs the amount of time that will be required by the agency and by the affected automobile manufacturers to take appropriate action in the event that this Court invalidates in whole or in part the agency's rescission order of October 29, 1981; Wald (who did not participate), Mikva and Edwards, CJs
12-07-81	Certified List of the Administrative Record (consists of three large black binders)
12-29-81	Petitioners' principal brief
01-05-82	Intervenor's (Albert B. Lewis, Sup. Insurance of State of NY) brief
01-25-82	Respondents' brief
02-01-82	Intervenors' (Motor Vehicle Manufacturers Assoc., et al.) brief
02-01-82	Intervenors' (Consumer Alert and Pacific Legal Foundation) brief
02-08-82	Petitioners' reply brief
02-09-82	Petitioners' reply brief
03-01-82	Argued before SCJ Bazelon; Mikva and Edwards*, CJ's

Date	FILINGS—PROCEEDINGS
06-01-82	Opinion for the Court filed by Circuit Judge Mikva
06-01-82	Opinion concurring in part filed by Circuit Judge Edwards
06-01-82	Judgment that the orders of the National Highway Traffic Safety Admin. are vacated and the cases are remanded to the NHTSA for further proceedings, in accordance with the opinion of this Court filed herein this date
06-01-82	Per Curiam order by the Court, sua sponte, that the schedule for resolving questions which the Court's opinion filed herein this date directs respondent Administration to file (see page 76 of slip opinion), shall be filed and served upon counsel of record on or before July 1, 1982; It is Further ORDERED, sua sponte, that the Clerk shall withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing; see Local Rule 14, as amended on November 30, 1981
07-01-82	Respondents' notice of filing that NHTSA intends to publish the attached notice of proposed supplemental rulemaking in the Federal Register
07-12-82	Respondents' motion to extend time to file rehearing and/or suggestion of rehearing en banc
08-04-82	Per Curiam order that the motions for extension of time in which to file petitions for rehearing and/or rehearing en banc are denied; and that the period for filing timely petitions for rehearing and/or rehearing en banc having expired, the mandate in the

Date	FILINGS—PROCEEDINGS
	above captioned case be issued accordingly; SCJ Bazelon, Mikva and Edwards, CJs (see attached memorandum)
08-04-82	Per Curiam order, sua sponte, that the compliance dates of Federal Motor Vehicle Safety Standard 208, the passive restraint standard, are stayed until 09/01/83 (Model Year 1984); and sua sponte, that respondent DOT has until 10/01/82, to advise the Court whether such a compliance date is achievable, or whether a longer period is required, setting forth adequate reasons therefor; SCJ Bazelon, Mikva and Edwards, CJs (see attached memorandum)
08-4-82	Certified copy of judgment and opinion issued to NHTSA.
08-30-82	Copy of letter from Clerk, Supreme Court dated 08-25-82 extending time for filing petition for writ of certiorari to 09-08-82 in SC No. A-180
09-01-82	Notification from Clerk, Supreme Court that petition for writ of certiorari was filed on August 30, 1982 in SC. No. 82-354 (Motor Vehicle Manufacturing Assoc.)
09-01-82	Notification from Clerk, Supreme Court that petition for writ of certiorari was filed on August 30, 1982 in SC No. 355 (Consumer Alert, et al.)
09-16-82	Notification from Clerk, Supreme Court that petition for writ of certiorari was filed on 09-08-82 in SC No. 82-398 (US Dept. of Transportation, et al.)
10-04-82	Respondents' memorandum in response to the court 08-04-82 order

Date	FILINGS—PROCEEDINGS
10-04-82	Petitioners' (State Farm Mutual Automobile Insurance Co., et al.) motion for leave to respond to NHTSA's comments on the September, 1983 compliance date
10-12-82	Petitioners' (National Association of Independent Insurers, et al.) motion for leave to file comments on second post-judgment submission of respondents
10-14-82	Per Curiam order that petitioners' motion for leave to file comments on the September 1983 compliance date is granted and the Clerk is directed to file the lodged response to NHTSA's comments on the September 1983 effective date; Mikva and Edwards, CJs; and SCJ Bazelon
10-14-82	State Farm's memorandum in response to NHTSA's comments on the September 1983 effective date (m-8) - filed per above order
10-18-82	Per Curiam order, sua sponte, that the parties herein may file a reply to State Farm's memorandum on or before Monday, October 25, 1982; Mikva and Edwards, CJ's; and SCJ Bazelon
10-25-82	Petitioners' supplemental memorandum in response to NHTSA's 10-01-82 submission
10-28-82	Per Curiam order that petitioners' motion for leave to file comments on second post-judgment submission of respondents and of petitioners' lodged comments is granted and the Clerk is directed to file petitioners' lodged comments on second post-judgment submission of respondents; Mikva and Edwards, CJs and SCJ Bazelon

Date	FILINGS—PROCEEDINGS
11-02-82	Respondents' motion for leave to file response to petitioners' supplemental memoranda
11-09-82	Certified copy of order from Clerk, Supreme Court granting petition for writ of certiorari in SC No. 82-354 (Motor Vehicle Manufactu[r]ing Assoc.) on 11-08-82
11-09-82	Certified copy of order from Clerk, Supreme Court granting petition for writ of certiorari in SC No. 82-355 (Consumer Alert, et al.) on 11-08-82
11-09-82	Certified copy of order from Clerk, Supreme Court granting petition for writ of certiorari in SC No. 82-398 (U.S. Dept. of Transportation, et al.) on 11-08-82
11-18-82	Per Curiam order, sua sponte, that the certified copy of judgment and copy of the opinion, issued in lieu of formal mandate to the National Highway Traffic Safety Administration on August 4, 1982, be and they are hereby recalled, and the National Highway Traffic Safety Administration is directed to return to this Court forthwith the documents issued in lieu of formal mandate; Mikva and Edwards CJs and SCJ Bazelon
11-19-82	Intervenor's (Automobile Importers) motion for expeditious consideration and a stay of enforcement of the Court's mandate and 08-04-82 order establishing a compliance date, pending Supreme Court review
11-23-82	Letter dated 11-23-82 from counsel for U.S. Dept. of Transportaion, et al. re-returning mandate per order dated 11-18-82
[12-8-82]	[Per Curiam order denying intervenor's motion for stay of enforcement and dismissing motion for expeditious consideration as moot]

[No.] 81-2221

NATIONAL ASSOCIATION OF INDEPENDENT INSURERS,
AUTOMOBILE OWNERS ACTION COUNCIL,
and EUGENE J. MEYUNG,

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION,

Respondent.

AUTOMOBILE IMPORTERS OF AMERICA, INC.,
CONSUMER ALERT AND PACIFIC LEGAL FOUNDATION,
MOTOR VEHICLE MANUFACTURERS ASSOC, *et al.*,
SUPERINTENDENT OF INSURANCE OF THE STATE OF N.Y.,

Intervenors.

Date	FILINGS—PROCEEDINGS
11-23-81	Petitioners' petition for review of an order of the NHTSA
11-25-81	Petitioners' motion for stay pending review (or, alternatively, for partial summary reversal) and for advancement of hearing date
12-01-81	Petitioners' motion to consolidate petitions for review Nos. 81-2220 & 81-2221 for purposes of hearing and decision
12-03-81	Clerk's order consolidating Nos. 81-2220 & 81-2221 on the merits and the time for filing a response to motion for stay is extended to 12/03/81
12-07-81	Per Curiam order denying motions for stay, Virginia Petroleum Jobbers Assoc. v. FPC, 259 F.2d 921 (DC Cir. 1958) and briefing and hearing of these cases on the merits shall be expedited and these cases shall be scheduled

Date	FILINGS—PROCEEDINGS
	for argument on the Feb-March calendar, Feb. 11 - March 3, 1982 * * * The parties are instructed to address in their briefs the amount of time that will be required by the agency and by the affected automobile manufacturers to take appropriate action in the event that this Court invalidates in whole or in part the agency's rescission order of October 29, 1981; Wald (who did not participate), Mikva and Edwards, CJs
12-07-81	Certified List of the Administrative Record (consists of three large black binders)
12-28-81	Petitioners' brief
01-05-82	Intervenor's (Albert B. Lewis, Sup. Ins. of the State of NY) brief
01-25-82	Respondents' brief
02-01-82	Intervenors' (Motor Vehicle Manufacturers Assoc., et al.) brief
02-01-82	Intervenors' (Consumer Alert and Pacific Legal Foundation) brief
02-08-82	Petitioners' reply brief
02-09-82	Petitioners' (State Farm) reply brief
03-01-82	Argued before SCJ Bazelon; Mikva and Edwards*, CJ's
06-1-82	Opinion for the Court filed by Circuit Judge Mikva
06-1-82	Opinion concurring in part filed by Circuit Judge Edwards
06-1-82	Judgment that the orders of the NHTSA are vacated and the cases are remanded to NHTSA for further proceedings, in accordance with the opinions

Date	FILINGS—PROCEEDINGS
06-1-82	Per Curiam order by this Court, sua sponte, that the schedule for resolving questions which the Court's opinion filed herein this date directs respondent Administration to file (See page 76 of slip opinion), shall be filed and served upon counsel of record on or before July 1, 1982; further ordered sua sponte, that the Clerk shall withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing, see Local Rule 14, as amended on November 30, 1981.
07-01-82	Respondent's notice of filing that NHTSA intends to publish the attached notice of proposed supplemental rulemaking in the Federal Register
07-12-82	Respondent's motion to extend time to file petition for rehearing and/or suggestion for rehearing en banc
08-04-82	Per Curiam order that the motions for extension of time in which to file petitions for rehearing and/or rehearing en banc are denied; and that the period for filing timely petitions for rehearing and/or rehearing en banc having expired, the mandate in the above captioned case be issued accordingly; SCJ Bazelon, Mikva and Edwards, CJs (see attached memorandum)
08-04-82	Per Curiam order, sua sponte, that the compliance dates of Federal Motor Vehicle Safety Standard 208, the passive restraint standard, are stayed until 09/01/83 (Model Year 1984); and sua sponte, that respondent DOT has until 10/01/82, to advise the Court whether such a compliance date is

Date	FILINGS—PROCEEDINGS
	achievable, or whether a longer period is required, setting forth adequate reasons therefor; SCJ Bazelon, Mikva and Edwards, CJs (see attached memorandum)
08-04-82	Certified copy of judgment and opinion issued to NHTSA.
09-01-82	Notification from Clerk, Supreme Court that petition for writ of certiorari was filed on August 30, 1982 in SC No. 82-354 (Motor Vehicle Manufacturers Assoc.)
09-01-82	Notification from Clerk, Supreme Court that petition for writ of certiorari was filed on August 30, 1982 in SC No. 82-355 (Consumer Alert, et al.)
09-16-82	Notification from Clerk, Supreme Court that petition for writ of certiorari was filed on 09-08-82 in SC No. 82-398 (US Dept. of Transportation, et al.)
10-04-82	Respondents' memorandum in response to the court's 08-04-82 order
10-04-82	Petitioners' (State Farm Mutual Automobile Insurance Co., et al.) motion for leave to respond to NHTSA's comments on the September, 1983 compliance date
10-12-82	Petitioners' (National Association of Independent Insurers, et al.) motion for leave to file comments on second post-judgment submission of respondents
10-14-82	Per Curiam order that petitioners' (State Farm, et al.) motion for leave to respond to NHTSA's comments on the September 1983 compliance date is granted and the Clerk is directed to file the lodged memorandum in response to NHTSA's comments on the

Date	FILINGS—PROCEEDINGS
	September 1983 effective date; Mikva and Edwards, CJ's; and SCJ Bazelon
10-14-82	Petitioners' (State Farm, et al.) memorandum in response to NHTSA's comments on the September 1983 effective date (m-8) - filed per above order
10-18-82	Per Curiam order, sua sponte, that the parties herein may file a reply to State Farm's memorandum on or before Monday, October 25, 1982; Mikva and Edwards, CJ's; and SCJ Bazelon
10-21-82	Petitioners' supplemental memorandum
10-28-82	Per Curiam order that petitioners' motion for leave to file comments on second post-judgment submission of respondents and of petitioners' lodged comments is granted and the Clerk is directed to file petitioners' lodged comments on the second post-judgment submission of respondents; Mikva and Edwards, CJs and SCJ Bazelon
11-02-82	Respondents' motion for leave to file response to petitioners' supplemental memoranda
11-09-82	Certified copy of order from Clerk, Supreme Court granting petition for writ of certiorari in SC No. 82-354 (Motor Vehicle Manufactu[r]ing Assoc.) on 11-08-82
11-09-82	Certified copy of order from Clerk, Supreme Court granting petition for writ of certiorari in SC No. 82-355 (Consumer Alert, et al.) on 11-08-82

Date	FILINGS—PROCEEDINGS
11-09-82	Certified copy of order from Clerk, Supreme Court granting petition for writ of certiorari in SC No. 82-398 (U.S. Dept. of Transportation, et al.) on 11-08-82
11-18-82	Per Curiam order, sua sponte, that the certified copy of judgment and copy of the opinion, issued in lieu of formal mandate to the National Highway Traffic Safety Administration on August 4, 1982, be, and they are hereby recalled, and the National Highway Traffic Safety Administration is directed to return to this Court forthwith the documents issued in lieu of formal mandate; Mikva and Edwards CJs and SCJ Bazelon
11-19-82	Intervenor's (Automobile Importers) motion for expeditious consideration and a stay of enforcement of the Court's mandate and 08-04-82 order establishing a compliance date, pending Supreme Court review
11-23-82	Letter dated 11-23-82 from counsel for National Highway Traffic Safety Administration returning mandate per order dated 11-18-82
[12-8-82]	[Per Curiam order denying intervenor's motion for a stay of enforcement and dismissing motion for expeditious consideration as moot]

Supreme Court of the United States

No. 82-354

MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE UNITED STATES, INC., *et al.*,
Petitioners,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, *et al.*

ORDER ALLOWING CERTIORARI. FILED November 8, 1982.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted. The case is consolidated with case No. 82-355, *Consumer Alert, et al.* v. *State Farm Mutual Automobile Insurance Company, et al.* and case No. 82-398, *United States Department of Transportation, et al.* v. *State Farm Mutual Automobile Insurance Co., et al.*, and a total of one hour is allotted for oral argument.

Supreme Court of the United States

No. 82-355

CONSUMER ALERT, *et al.*,

Petitioners,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, *et al.*

ODER ALLOWING CERTIORARI. FILED November 8, 1982.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted. The case is consolidated with case No. 82-354, *Motor Vehicle Manufacturers Association of the United States, Inc., et al.* v. *State Farm Mutual Automobile Insurance Company, et al.* and case No. 82-398, *United States Department of Transportation, et al.* v. *State Farm Mutual Automobile Insurance Co., et al.*, and a totoal of one hour is allotted for oral argument.

Supreme Court of the United States

No. 82-398

UNITED STATES DEPARTMENT OF TRANSPORTATION, *et al.*,
Petitioners,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, *et al.*

ORDER ALLOWING CERTIORARI. FILED November 8, 1982.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted. The case is consolidated with case No. 82-354, *Motor Vehicle Manufacturers Association of the United States, Inc., et al.* v. *State Farm Mutual Automobile Insurance Company, et al.* and case No. 82-355, *Consumer Alert, et al.* v. *State Farm Mutual Automobile Insurance Company, et al.*, and a total of one hour is allotted for oral argument.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-2220

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO., KENT MASON, PATRICIA WARREN and LEORLIN BOYD,

Petitioners

v.

DEPARTMENT OF TRANSPORTATION, DREW LEWIS, as SECRETARY, NATIONAL HIGHWAY TRAFFIC ADMINISTRATION, and RAYMOND A. PECK, JR., as ADMINISTRATOR,

Respondents

SUPERINTENDENT OF INSURANCE OF STATE OF N.Y., *et al.*,

Intervenors

AND CONSOLIDATED CASE No. 81-2221

[FILED NOV 18 1982]

BEFORE: Mikva and Edwards, Circuit Judges; and Bazelon, Senior Circuit Judge

ORDER

It appearing that a writ of certiorari has been issued to this Court with respect to the captioned cases, it is

ORDERED, by the Court, *sua sponte*, that the certified copy of judgment and copy of the opinion, issued in lieu of formal mandate to the National Highway Traffic Safety Administration on August 4, 1982, be, and they are hereby recal-

led, and the National Highway Traffic Safety Administration is directed to return to this Court forthwith the documents issued in lieu of formal mandate.

Per Curiam

FOR THE COURT:

/s/ George A. Fisher
GEORGE A. FISHER
Clerk

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-2220

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO., KENT MASON, PATRICIA WARREN and LEORLIN BOYD,

Petitioners

v.

DEPARTMENT OF TRANSPORTATION, DREW LEWIS, as SECRETARY, NATIONAL HIGHWAY TRAFFIC ADMINISTRATION, and RAYMOND A. PECK, JR., as ADMINISTRATOR,

Respondents

SUPERINTENDENT OF INSURANCE OF STATE OF N.Y., *et al.*,

Intervenors

AND CONSOLIDATED CASE No. 81-2221

[FILED DEC 8 1982]

BEFORE: Mikva and Edwards, Circuit Judges; and Bazelon, Senior Circuit Judge

ORDER

Upon consideration of the motion filed by intervenor Automobile Importers of America for expeditious consideration and for a stay of enforcement, pending Supreme Court review, of this Court's mandate and of the order entered August 4, 1982 establishing a compliance date, and of the letter from counsel for intervenor dated November 19, 1982, and it appearing that the Supreme Court of the United States has issued writs of certiorari in these cases and this Court has recalled its mandate, it is

ORDERED, by the Court, that intervenor's motion for a stay of enforcement is denied; and, it is

FURTHER ORDERED, by the Court, that intervenor's motion for expeditious consideration is dismissed as moot.

Per Curiam

FOR THE COURT:

/s/ George A. Fisher
GEORGE A. FISHER
Clerk